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Note verbale dated 10 July 2014 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Czech Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit herewith updates of the national report and a matrix* on the implementation of Security Council resolution 1540 (2004) (see annex).

* The matrix has been submitted in English only, the original language of submission, as agreed by the Committee.

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Annex to the note verbale dated 10 July 2014 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chair of the Committee

National report on the implementation of Security Council resolution 1540 (2004)

Update to the annex of the note verbale dated 27 October 2004 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chair of the Committee

Introduction

1. The Czech Republic supports Security Council resolution 1540 (2004) and appreciates its contribution to the process of addressing urgent problems in the field of weapons of mass destruction (WMD) non-proliferation and the fight against terrorism. The Czech Republic is fully committed to the implementation of this resolution.

2. The Czech Republic regards as useful and effective the general orientation of the resolution towards United Nations member countries, aimed to make them adopt transparent measures in the area of WMD non-proliferation. The wording of its individual provisions takes full account of the international obligations of member countries and basically reflects the requirements arising from existing international treaties. In the area of nuclear non-proliferation, the international obligations arise from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the related Convention on the Physical Protection of Nuclear Material (CPPNM), from the Additional Protocol, and from the membership of the international control regimes reinforcing the Non-Proliferation Treaty, including the Nuclear Suppliers Group (NSG) and Zangger Committee (ZC). In the area of chemical and biological non-proliferation, international obligations arise mainly from the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC). Therefore the Czech Republic regards the provisions of the resolution as a challenge especially to those countries that have not yet acceded to the above-mentioned international treaties, as well as countries that are formally parties to these treaties but have yet to fully implement the international obligations arising from them in their national legislation.

3. The Czech Republic regards increased fight against WMD proliferation, together with arms control and disarmament efforts, as a significant tool in the global fight against terrorism, especially in eliminating attempts to illegally obtain WMD and their means of delivery. Measures against WMD proliferation are in accordance with the long-term objectives of the Czech Republic, a country that is a party to all major international treaties on WMD non-proliferation and disarmament and a full-fledged member of all existing international control regimes, has at its disposal all necessary legislative tools for full implementation of its international obligations and measures arising from the provisions of Security Council resolution 1540 (2004), and supports all international activities preventing WMD proliferation.

4. In order to reinforce the fight against WMD proliferation and in accordance with the European Union Strategy against Proliferation of Weapons of Mass Destruction, the Czech Republic advocates the universality and strengthening of the following treaties and conventions: Treaty on the Non-Proliferation of Nuclear Weapons (NPT); Safeguards Agreement with the International Atomic Energy Agency (IAEA); Convention on the Prohibition of Chemical Weapons (CWC) and the Convention on the Prohibition of Biological and Toxin Weapons (BTWC); the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC), and the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

5. The Czech Republic regards these treaties as the cornerstone of the international effort in the field of WMD non-proliferation and disarmament, contributing to the enhancement of international confidence, stability, security and peace, including the fight against terrorism. These treaties can be reinforced, inter alia, by setting up effective control mechanisms; therefore the Czech Republic promotes the principle of verification, including challenge inspections. Closely linked to these main principles is the requirement of consistent national implementation of treaty obligations and full transparency as the necessary precondition for effective implementation of the treaties.

6. In the field of WMD non-proliferation, the Czech Republic is a longstanding advocate of the significant role played by international control regimes. In the field of nuclear non-proliferation, these include the Zangger Committee (ZC) and the Nuclear Suppliers Group (NSG); in the field of biological and chemical non-proliferation, the Australia Group (AG); in the field of means of delivery, the Missile Technology Control Regime (MTCR) and the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC); and in the field of conventional weapons and dual-use items, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA). Strengthened control of exports, including dual-use goods, together with measures against smuggling and illicit trade, are regarded by the Czech Republic as vital preventive measures in the fight against WMD proliferation and against terrorism.

7. Informal initiatives of the international community intended to reinforce the fight against WMD proliferation and terrorism are also in accordance with the Czech Republic's foreign policy priorities and security interests:

(a) The Proliferation Security Initiative (PSI) is a response to the growing challenge posed by the proliferation of WMD, their means of delivery and dual-use materials worldwide. The Czech Republic joined PSI in April 2004, and expects that widespread international application of the Interdiction Principles, together with exchange of the relevant intelligence, will greatly assist in impeding WMD or dual-use goods procurement attempts;

(b) In 2004, the Czech Republic also joined the Group of Eight (G-8) Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, and takes part in the projects in accordance with its national interests and financial capacity. In 2003 the Czech Republic, for the first time, paid a donor's contribution for chemical weapons destruction in the Russian Federation and intends to provide the same contribution in 2004;

(c) The Czech Republic fully supports the Global Threat Reduction Initiative (GTRI), launched in May 2004 to reduce the risk of malicious use of nuclear and

radioactive materials. Within the framework of this initiative the Czech Republic, in consultation with the International Atomic Energy Agency, is considering the possibilities for repatriation of the nuclear fuel currently held by the Czech Nuclear Research Institute.

8. As the Czech Republic is a member of the European Union, reference is made to the European Union Common Report that will be transmitted to the Security Council Committee established pursuant to resolution 1540 (2004) (1540 Committee) under separate cover. That report covers areas of European Union and Community competence and activities in relation to Security Council resolution 1540 (2004) and should be read in conjunction with this national report.

A) Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Czech Republic does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under the Czech Republic's legislation. The relevant Czech legislation is described below.

B) Operative paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

I. Implementation of obligations and measures in the field of nuclear non-proliferation control

1. International treaties

As a successor State to the Czech and Slovak Federal Republic, the Czech Republic is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly on 12 June 1968. The former Czechoslovakia signed the Treaty in Moscow, Washington, D.C., and London on 1 July 1968, and deposited its instruments of ratification with the Treaty depositaries, the Government of the former Union of Soviet Socialist Republics, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, on 22 July 1969. The Treaty entered into force on 5 March 1970.

In conformity with the obligation arising from article III, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, the former Czechoslovakia signed, as early as 1972, the Agreement between Czechoslovakia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons. That agreement has since been superseded by a new Agreement between the Czech Republic and the International Atomic Energy Agency for the Application of

Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed in Vienna on 18 September 1996. The Agreement was ratified by the President of the Czech Republic on 10 July 1997 and entered into force pursuant to its article 25 on \11 September 1997. The full text of the Agreement has been published by the International Atomic Energy Agency in document INFCIRC/541.

As a successor State to the Czech and Slovak Federal Republic, the Czech Republic is also a party to the Convention on the Physical Protection of Nuclear Material, related to the Treaty on the Non-Proliferation of Nuclear Weapons. The former Czechoslovakia signed the Convention in Vienna on 14 September 1981 and deposited its instrument of ratification with the depositary, the IAEA Director General, on 23 April 1982. The Convention entered into force pursuant to its article 19, paragraph 1, on 8 February 1987.

Since 1992 the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, has been a member of two international control regimes reinforcing the Treaty on the Non-Proliferation of Nuclear Weapons: the Zangger Committee and the Nuclear Suppliers Group, controlling the exports of nuclear items (ZC Trigger List Items and NSG Trigger List Items) and nuclear-related dual-use items (NSG Nuclear Related Dual-Use Items List), in accordance with the requirements of article III, paragraph 2, of the Treaty on the Non-Proliferation of Nuclear Weapons.

At its special session on 15 May 1997, the IAEA Board of Governors approved the Model Protocol Additional to Safeguards Agreements, considerably broadening and deepening the powers of IAEA. The Agency's original power to carry out control of nuclear materials has been broadened to include the control of existing and planned nuclear programmes and the control of materials, equipment and technologies designed and manufactured for use in the nuclear field, including exports and imports of these items. The list of controlled items is basically identical to the NSG Trigger List. The Czech Republic signed the Protocol Additional to the Agreement between the Czech Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons in Vienna on 28 September 1999. The Additional Protocol was ratified by the President of the Czech Republic on 21 June 2002 and entered into force pursuant to its article 17 on 1 July 2002.

Since 2007 IAEA applies in the Czech Republic integrated safeguards, which represent the optimal combination of all IAEA safeguards measures available under the comprehensive safeguards agreement and the Protocol Additional, with the aim of achieving maximum effectiveness and efficiency in meeting the safeguards obligations. The Czech Republic is therefore in maximal possible compliance with the IAEA safeguards.

In relation to the accession of the Czech Republic to the European Union on 1 May 2004, the safeguards of the European Atomic Energy Community (EURATOM) started to be implemented in the Czech Republic, based on chapter VII of the EURATOM Treaty and on Commission Regulation No. 302/2005 on the implementation of EURATOM safeguards. The Czech Republic acceded on 1 October 2009 to a trilateral safeguards agreement with EURATOM and IAEA, which replaced a valid bilateral safeguards agreement between the Czech Republic and IAEA. From the national perspective, the most considerable change regards the fact that EURATOM has taken over most of the obligations connected with the State

System of Accounting for and Control of Nuclear Material, which is a key component of the IAEA safeguards.

2. Legislative measures

The Czech Republic's international obligations arising from the Treaty on the Non-Proliferation of Nuclear Weapons, from the Agreement between the Czech Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons and from membership of the international control regimes reinforcing the Treaty on the Non-Proliferation of Nuclear Weapons were implemented in the national legislation by Act No. 18/1997 (as amended) to regulate peaceful utilization of nuclear energy and ionising radiation (Atomic Act) and to amend related acts. The Atomic Act superseded the previous legislation that was introduced in this sphere in 1977. The Atomic Act also covers the Czech Republic's international obligations arising from the Convention on the Physical Protection of Nuclear Material, which, until 1997, were governed by legislation adopted in 1989. The amendment to the Atomic Act introduced by Act No. 13/2002 (in force from 1 July 2002) also takes full account of the Czech Republic's international obligations arising from the Protocol Additional to the Agreement between the Czech Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

The Atomic Act, as amended by Act No. 13/2002, designates the State Office for Nuclear Safety as the Czech Republic's authority responsible for control of nuclear non-proliferation, government supervision of nuclear materials, trigger list items and nuclear-related dual-use items, and for government supervision of the physical protection of nuclear materials and nuclear facilities. It clearly defines the activities that are subject to licences issued by the State Office for Nuclear Safety. These activities include, in particular, the handling of nuclear materials, exports, imports and transit of nuclear materials and trigger list items, as well as exports and imports of nuclear-related dual-use items. According to the Atomic Act, the State Office for Nuclear Safety is also the Czech Republic's central authority responsible for control of and accounting for nuclear materials under the Czech Republic's jurisdiction, keeping records on imported and exported trigger list items and nuclear-related dual-use items, and for control of the handling of these items. It is also responsible for approving and controlling the physical protection of nuclear materials and nuclear facilities, including physical protection of nuclear materials in transport.

Regulations implementing the Atomic Act (as amended by Act No. 13/2002) include Regulation No. 213/2010, on accounting for and control of nuclear materials; Regulation No. 165/2009, introducing a list of trigger list items; Regulation No. 166/2009, introducing a list of nuclear-related dual-use items; and Regulation No. 144/1997, on the physical protection of nuclear materials and nuclear facilities and their classification amended by Act No. 500/2005.

The Atomic Act and its implementing regulations specify in detail the rights and obligations of natural persons and legal entities in handling nuclear materials or carrying out activities licensed by the State Office for Nuclear Safety, as well as the documents that must accompany licence applications and the requirements to be met by licence holders.

3. Control activity

In accordance with the requirements of the Trilateral agreement between the Czech Republic, EURATOM and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol Additional to the Safeguards Agreement and the Atomic Act (Act No. 18/1997 as amended by Act No. 13/2002), the State Office for Nuclear Safety manages the so-called National System of Nuclear Materials Accountancy and Control (National System), keeps records on imported and exported nuclear items and on licence holders engaging in activities that are subject to the licensing procedure of the State Office for Nuclear Safety. Since 2009 the operators of Czech nuclear facilities have been sending the output from their Nuclear Material Accountancy directly to EURATOM on a monthly basis. Data on activities concerning the nuclear fuel cycle are transmitted to IAEA, with a copy to EURATOM, on an annual basis. Pursuant to section 39 of the Atomic Act, inspectors of the State Office for Nuclear Safety perform, at regular intervals, verification of nuclear materials and data entered in the National System at facilities of about 180 licence holders, and check the accounting for and handling of nuclear materials and imported nuclear items, and observance of the law and compliance with the conditions for exports of nuclear materials and nuclear items, including activities related to the nuclear fuel cycle. The verification of nuclear materials, National System data and activities related to the nuclear fuel cycle at licensed facilities are also subject to regular checks by IAEA inspectors and, since 1 May 2004, also by EURATOM inspectors. In addition, inspectors of the State Office for Nuclear Safety regularly inspect the measures taken for the physical protection of nuclear materials and nuclear facilities, including physical protection of nuclear materials in transport.

Unauthorized handling of nuclear materials, unlicensed exports of nuclear items or nuclear-related dual-use items, non-compliance with the requirements of the Atomic Act or with the licensing conditions set by the State Office for Nuclear Safety is subject to remedial measures and/or sanctions under sections 40 and/or 41 of the Atomic Act.

4. Conclusions and main tasks

The Atomic Act (Act No. 18/1997 as amended by Act No. 13/2002) and its implementing regulations govern the utilization of nuclear materials, nuclear items and nuclear-related dual-use items, and set the conditions for their utilization, including physical protection requirements, in accordance with the requirements of international nuclear non-proliferation treaties and the international control regimes reinforcing the Treaty on the Non-Proliferation of Nuclear Weapons, thus fully meeting also the requirements of Security Council resolution 1540 (2004).

The results of the inspections by the State Office for Nuclear Safety, IAEA and EURATOM fully confirm the compliance of the Czech Republic with its international obligations regarding nuclear non-proliferation. Proof of the high standards maintained in the Czech Republic's safeguards and control system is, inter alia, the fact that IAEA safeguards inspectors are regularly trained at Czech nuclear facilities. Within the framework of cooperation with IAEA, the Czech Republic is also an active participant in the IAEA Safeguards Support Programme, which has so far been joined by only 10 of the Agency's 180 member States.

Convincing proof of the high standard of physical protection of nuclear materials and nuclear facilities in the Czech Republic are the results of the two IAEA International Physical Protection Advisory Service (IPPAS) missions to nuclear facilities in the Czech Republic, as well as the regular regional training courses on physical protection of nuclear materials and nuclear facilities, organized in the Czech Republic by IAEA, in cooperation with the State Office for Nuclear Safety and the United States Department of Energy for Central and East European countries and the Newly Independent States. Six training courses have taken place so far.

In order to minimize even further possible terrorist threats to nuclear materials and nuclear facilities in the Czech Republic and to enhance their physical protection, the State Office for Nuclear Safety prepared an amendment to Regulation No. 144/1997 on physical protection of nuclear materials and nuclear facilities and their classification. The amendment entered into force on 1 January 2005.

The Czech Republic is currently in the process of preparing a new Atomic Act, which will replace the actual Atomic Act (Act No. 18/1997). The goal is to bring all implementing legislation into a single Act, respond to modern trends in nuclear legislation and reflect practical experiences from domestic and foreign emergency exercises.

II. Measures related to the prohibition of chemical weapons

1. International treaties

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was signed by the Czech Republic on 14 January 1993 and entered into force on 29 April 1997. On 6 March 1996, the Czech Republic deposited its instruments of ratification with the depositary in New York and, as the forty-eighth State party to the Chemical Weapons Convention, became a member State of the Organization for the Prohibition of Chemical Weapons (OPCW).

2. Legislative measures

The obligations arising from the Chemical Weapons Convention, which correspond to the measures concerning chemical weapons required by Security Council resolution 1540 (2004), have been implemented in Czech legislation through Act No. 19/1997 regulating certain measures concerning the prohibition of chemical weapons. The Act regulates the rights and obligations of natural persons and legal entities related to the chemical weapons ban and to the handling of toxic chemicals and their precursors that could be used in violating the chemical weapons ban. The amounts and types of the substances, criteria for the classification of toxic chemicals, conditions for the granting of licences to handle highly dangerous chemicals (Schedule 1 chemicals), details on record-keeping, and criteria applicable to the reporting duty are provided in implementing Regulation No. 208/2008.

In 2000, Act No. 19/1997 was amended by Act No. 249/2000, by which the competences related to State administration and Government control concerning the chemical weapons ban were transferred from the Ministry of Industry and Trade of

the Czech Republic to the State Office for Nuclear Safety. At the same time the State Office for Nuclear Safety became the coordinating body responsible for the implementation of the Chemical Weapons Convention in the Czech Republic.

Another amendment to Act No. 19/1997 was introduced by Act No. 350/2011, concerning chemical substances and chemical compounds, requiring manufacturers and importers to classify and register scheduled chemicals and to provide safety data sheets.

The changes to Act No. 19/1997 resulted also from the adoption of the Act to regulate the Customs Administration of the Czech Republic (Act No. 186/2004). They define the duties of transporters delivering scheduled chemicals from/to the Czech Republic in the context of supervision and control activities performed by the customs authority.

3. Control measures

The Czech Republic meets all obligations arising from the Chemical Weapons Convention. It operates an intensive system of controls at facilities handling scheduled chemicals and actively cooperates at all times with the international inspections performed by OPCW.

Any handling of highly dangerous substances is subject to a licence granted by the State Office for Nuclear Safety. Licences to export dangerous chemicals (Schedule 2) and less dangerous chemicals (Schedule 3) are granted by the Licensing Authority at the Ministry of Industry and Trade of the Czech Republic. By virtue of Act No. 19/1997, entities that handle scheduled chemicals in amounts larger than those specified in Regulation No. 208/2008 must report to the State Office for Nuclear Safety their data on such handling anticipated for the following year, as well as their real data for the past calendar year. The reporting duty applies also to the installation of new equipment for the manufacture, processing or consumption of scheduled chemicals. The State Office for Nuclear Safety keeps a register of such entities and, in accordance with the Chemical Weapons Convention, transmits to OPCW annual declarations on the relevant chemicals and facilities.

Non-compliance with the obligations arising from Act No. 19/1997 is subject to fines (Section 32) and to criminal sanctions under Act No. 40/2009 (Criminal Code, Section 280).

4. Conclusions and main tasks

The Czech Republic has never possessed chemical weapons or facilities for their production. With regard to the country's developed chemical industry, the main task of the State Office for Nuclear Safety is to focus on the supervision of the handling of scheduled chemicals that might be used to produce chemical weapons. The Czech Republic's export/import control regime has been changed in the context of the country's accession to the European Union, and Czech legislation is being aligned with the European Union acquis. Changes relevant to the chemical weapons ban include, inter alia, the ongoing work on an amendment to Act No. 19/1997, which should describe in more specific terms the procedures for the licensing and control of imports and exports of scheduled chemicals in the European Union and in Chemical Weapons Convention States parties. The amendment will reflect the past experience with the implementation of the Chemical Weapons Convention and

introduce into law the measures that have in the meantime been adopted by the OPCW Conferences of the States parties.

III. Measures related to the prohibition of biological weapons

1. International treaties

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on Their Destruction was signed by the former Czechoslovakia in 1972 and ratified on 30 April 1973. The Convention entered into force upon its ratification by 21 countries on 26 March 1975.

In article IV of the Biological and Toxin Weapons Convention, each State party undertook, in accordance with its constitutional processes, to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of agents, toxins, weapons, equipment and means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, except for those that are designed for prophylactic, protective or other peaceful purposes.

Unlike the Chemical Weapons Convention, the Biological and Toxin Weapons Convention does not enclose any international control mechanism. There is no international organization to verify the compliance with the obligations arising from the Biological and Toxin Weapons Convention.

So far, compliance with the obligations arising from the Biological and Toxin Weapons Convention has been reviewed only at the Review Conferences of the States Parties. One of the most important points on their agenda has been the preparation of a legally binding verification mechanism (Verification Protocol) to the Biological and Toxin Weapons Convention. Although the verification mechanism has not yet been set, it is generally agreed that the States parties should finalize their national legislation in its spirit as soon as possible.

Another confidence-building measure adopted by the States parties at their Review Conferences are voluntary (politically binding) declarations, presented to the United Nations by the States parties on an annual basis.

In the Czech Republic, Government Resolution No. 306 of 29 March 2000 instructed the State Office for Nuclear Safety to develop a legislative framework and to take steps to set up a future national authority responsible for compliance with the obligations arising from the Biological and Toxin Weapons Convention.

2. Legislative measures

The Czech Republic's primary legislation relevant to the ban on bacteriological (biological) and toxin weapons is Act No. 281/2002 on certain measures related to the ban on bacteriological (biological) and toxin weapons and on the amendment to the Trades Licensing Act. It is based on experience with the implementation of similar conventions concerning nuclear and chemical non-proliferation (Non-Proliferation Treaty, the Comprehensive Nuclear-Test-Ban Treaty, the Chemical Weapons Convention). The Act conforms to the spirit of article IV of the Biological and Toxin

Weapons Convention, and also contributes to the implementation of the Czech Republic's Security Strategy. It took effect on 28 June 2002.

The main elements of the Act include the ban on any handling of bacteriological (biological) and toxin weapons and equipment used for their production, the definition of the conditions for handling listed highly hazardous biological agents and toxins, the rule that any handling of such agents and toxins is subject to a licence granted by the State Office for Nuclear Safety, the definition of obligations of exporters and importers of highly hazardous and hazardous biological agents and toxins, and the duty of all licence holders to keep records and submit the required reports to the State Office for Nuclear Safety, as well as the powers of the State Office for Nuclear Safety in the field of State administration, government supervision, accounting for and control of the handling of highly hazardous and hazardous biological agents and toxins that could be used for malicious purposes.

In drafting the Act, due account was taken of European Union regulations concerning free movement of persons, goods, etc., especially European Union regulations on the exports of dual-use goods and technologies (Council Regulation (EC) No. 388/2012 setting up a Community regime for the control of exports of dual-use items and technology) and the relevant articles of the Treaty establishing the European Community (articles 28-30 and articles 12, 39, 43, 48).

In the context of the Czech Republic's accession to the European Union, Act No. 186/2004 changed some laws, including Act No. 281/2002, in connection with the introduction of the Act concerning the Customs Administration of the Czech Republic. The amendment creates a national regime for controlling the transfers of the highly dangerous biological agents and toxins, as envisaged in the European Union Council Regulation.

Act No. 281/2002 is implemented by Regulation No. 474/2002, introducing a list of highly dangerous biological agents and toxins, a list of dangerous biological agents and toxins and particulars on accounting for highly dangerous and dangerous biological agents and toxins.

3. Control activity

Pursuant to Act No. 281/2002, inspectors of the State Office for Nuclear Safety systematically control the handling of highly dangerous and dangerous biological agents and toxins at facilities. Each facility is inspected roughly once in a year. Non-compliance with the obligations arising from the Act is subject to fines (Section 21) and criminal sanctions (Section 280 of the Criminal Code).

4. Conclusions and main tasks

The national legislation, including Act No. 281/2002 as amended and Regulation No. 474/2002 as amended, fully safeguards compliance with the Czech Republic's obligations arising from the Biological and Toxin Weapons Convention. In many cases, national legislation is stricter than the provisions of the Convention.

These standards were adopted and brought into force before the introduction of any international verification mechanism, when the government had yet to clearly identify the facilities and activities falling within the scope of the Biological and Toxin Weapons Convention. In the light of practical national experience with the implementation of the Act and Regulation, control activities and the terrorist threat,

it is now obvious that some of the provisions will have to be rephrased in more specific terms.

C) Operative paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this shall:

(a) *Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;*

(b) *Develop and maintain appropriate physical protection measures;*

See paragraphs I.2 and 3; II.2 and 3; III.2 and 3 above

(c) *Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law.*

Border controls and law enforcement

In the context of the fight against WMD proliferation, the role of the Customs Administration of the Czech Republic is limited to control. The Customs Administration performs activities related to exports, imports and transit of goods to/from third countries according to Council Regulation (EEC) No. 450/2008 establishing the Community Customs Code (Customs Code) and Commission Regulation (EEC) No. 2454/93 of 2 July 1993 laying down provisions for the implementation of the Customs Code, performs control activities required by special legislation, including activities concerning the movement of goods in the customs territory of the Community.

Standard customs procedures concerning imports, exports and transit of goods to/from third countries and the related controls are carried out in accordance with the Customs Code. According to chapter 1, article 2, and chapter 2, article 9, of the Customs Code, the customs authorities may, in accordance with the conditions laid down by the provisions in force, carry out all the controls they deem necessary to ensure that customs legislation is correctly applied. Any person directly or indirectly involved in the operations concerned for the purposes of trade in goods must provide the customs authorities with all the requisite documents and information, irrespective of the medium used, and all the requisite assistance at their request and by any time limit prescribed. According to article 91 of the Customs Code, goods brought into the customs territory of the Community are, from the time of their entry, subject to customs supervision and may be subject to control by the customs authority. According to article 92 of the Customs Code, a person bringing such goods into the customs territory of the Community must convey them without delay, by the route specified by the customs authorities and in accordance with their instructions, to a designated place. The person is responsible for the carriage of such goods, including trans-shipment.

In the context of the control activity, a customs officer is authorized under sections 30 to 43 of Act No. 13/1993, the Customs Act, as amended (Customs Act), to demand explanations from persons who are likely to contribute to the clarification of facts important for the detection of a crime, misdemeanour, customs offence or any other administrative offence related to a breach of the laws and regulations that fall within the competence of the customs authority. A customs officer is authorized to ask for identity documents and, in specified cases, to detain or restrain a person and to use technical devices to immobilize a vehicle. He is authorized to use investigation support means and technologies, such as cover documents or other means necessary for undercover work, or security and trapping technologies. A customs officer may seize weapons and prohibit access to certain places. He is entitled to use investigative means in terms of the Code of Criminal Procedure, to use coercive means, to stop persons and vehicles, to check baggage, vehicles, cargo and shipping documents, etc.

After the goods are released under the proposed customs procedure, the customs authorities are authorized under section 127 of the Customs Act to conduct post-clearance checks in order to verify the correctness and completeness of the data given in the customs declaration, the authenticity of documents attached to it and the correctness of the assessed customs duties, taxes and fees. Post-clearance checks also verify the existence and authenticity of documents and the correctness of information concerning import and export operations or any subsequent transactions involving the goods identified in the customs declaration. Post-clearance checks take the form of inspection of business and accounting documents or any other documentation relevant to the data given in the customs declaration or to data on any transactions involving the goods.

According to section 4 of Act No. 17/2012 concerning the Customs Administration of the Czech Republic, the customs authorities also perform activities related to the fight against organized crime in the field of illicit trade in military materials, weapons, goods subject to international control regimes, narcotic and psychotropic substances, etc.

According to section 325 of the Customs Act, in cases where the customs authorities exercise their powers under special regulations, unless provided otherwise by such regulations, they have the same rights and obligations as in the case of customs supervision. The same applies to the rights and obligations of any entity that is subject to such supervision.

Since its accession to the European Union, the Czech Republic has no external borders, except for international airports. In accordance with Council Regulation (EEC) No. 3912/92 of 17 December 1992 on controls carried out in the Community in the field of road and inland waterway transport on means of transport registered or put into circulation in a non-Community country, and Council Regulation (EEC) No. 4060/89 of 21 December 1989 (new 1100/2008 of 22 October 2008) on the elimination of controls of member States performed at the frontiers of member States in the field of road and inland waterway transport, the checks that were performed at frontiers until 1 May 2004 are to be performed solely as part of normal control procedures throughout the territory of a member State. To this end, mobile surveillance units have been created to perform checks under the European Union Customs Code and the Czech Customs Act and under special regulations throughout the territory of the Czech Republic.

(d) *Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.*

National export control system

The system of export controls was introduced in the Czech Republic in 1990 and has been continually improved to achieve higher standards of efficiency. At present the Czech Republic is a member of all international control regimes in this sphere, and its export controls meet the standards common in developed countries. The scope and methods of control are the same as in other European Union countries.

Control of exports of dual-use goods in the Czech Republic concentrates on the dual-use items included in the export control lists of the international control regimes. These lists cover systems, equipment and their components, testing equipment, control and production equipment, materials, software and technologies. Transfers of software and technologies abroad are considered exports regardless of the method used for the transfer (deliveries in tangible form or transmission by intangible means, such as e-mail, fax, etc.).

The control system is applied also to exports of goods other than those specified in the lists, if the intended use of such goods is in any respect associated with WMD or if the end-use country is subject to an arms embargo. A special case is the control of technical assistance (technical services) in all its forms, including training, sharing of experience or even oral consultations.

In deciding whether or not a licence should be granted, the competent authorities examine each case in the light of the Czech Republic's foreign policy, commercial and security interests. The licence is denied if the declared end use of the goods does not sufficiently guarantee that the goods will not be used in relation to WMD or missile systems capable of delivering WMD or for military purposes. End-use information and guarantees are required in all cases. They are verified through an administrative procedure using various, mostly public, databases. Sensitive cases are verified in consultation with foreign authorities.

The primary legislation in this field is Council Regulation (EC) No. 388/2012 of 19 April setting up a Community regime for the control of exports of dual-use items and technology, as amended, and Act No. 594/2004 concerning the control of exports and imports of goods and technologies that are subject to international control regimes, as amended by Act No. 343/2010. This Act will be replaced by new legislation implementing the European Union regime for the control of exports and imports of dual-use items and technology, accompanied by new implementing regulations. This draft legislation fully meets the requirements of the European Union concerning the legislation of its member countries. It is currently going through the legislative process in the Czech Parliament.

In accordance with the Council Regulation mentioned above, the controls cover also re-exports of dual-use goods. Control of transits and trans-shipments in

the Czech Republic is carried out pursuant to the European Union Customs Code and the Czech Customs Act.

Sanctions applicable in the case of breaches of the control regime in the Czech Republic are determined in Act No. 594/2004 as amended by Act No. 343/2010 (fine up to CZK 20 million or to five times the price of the goods, whichever of the two amounts is higher). The violator may also be liable for criminal sanctions (imprisonment for three to eight years, fine or forfeiture of property).

Practice of the export controls prescribed by the above regulations in the Czech Republic is the responsibility of the Ministry of Industry and Trade. The Ministry is in charge of the licensing procedure and consults with the competent authorities in the Czech Republic. It cooperates with its counterparts in other countries and with international organizations or institutions on a bilateral and a multilateral basis. Control of compliance with the rules of the international control regime applicable to dual-use goods and technologies is the responsibility of the customs authorities and the State Office for Nuclear Safety.

The Czech Republic's system of export controls based on Council Regulation No. 388/2012 as amended and on Act No. 594/2004 as amended by Act No. 343/2010 is augmented by laws covering the country's obligations under international treaties and conventions on WMD non-proliferation. This legislation includes, as mentioned above, the following acts:

Act No. 18/1997 (Atomic Act) as amended covering the Czech Republic's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and the control regimes reinforcing the Treaty, Act No. 19/1997 as amended covering the Czech Republic's obligations under the Chemical Weapons Convention, and Act No. 281/2002 to regulate certain measures related to the ban on bacteriological (biological) and toxin weapons. Implementation of these acts is supervised by the State Office for Nuclear Safety. This body of export controls legislation is further reinforced by Act No. 38/1994 to regulate foreign trade in military material as amended, explicitly stating that nuclear, chemical and biological weapons must not be the subject of trade in military material (section 4). In addition, the Criminal Code explicitly provides that non-State entities, including natural persons, no matter whether they act on their own behalf or on behalf of a legal entity, must not develop, manufacture, export, import, hold, stockpile or otherwise handle weapons, means of combat or explosives, including radioactive materials, prohibited by law or by an international treaty, and must not design, build or use facilities designed for the development, manufacture or storage of such weapons, means of combat or explosives. Violations of this ban are punished by imprisonment for one to five years (section 280 of the Criminal Code).

D) Operative paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

The Czech Republic is a strong supporter of effective multilateral export control regimes and an active member of the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime, the Zangger Committee and the

Wassenaar Arrangement. Its national export control lists are regularly updated to reflect the changes made to the control lists of these regimes. Since its accession to the European Union, the Czech Republic has applied the control list in Annex I to Council Regulation No. 388/2012, which is also subject to updates.

E) Operative paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.

The Czech Republic is prepared to provide assistance, as appropriate, in response to specific requests to the States lacking the legal and regulatory infrastructure and implementation experience for fulfilling the provisions of Security Council resolution 1540 (2004).

F) Operative paragraph 8

Calls upon all States:

(a) *To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons*;

See Introduction, paragraphs 3-5 above.

(b) *To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties*;

See paragraphs I.2; II.2; and III.2 above.

(c) *To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes.*

The Czech Republic regards the International Atomic Energy Agency (IAEA) as the principal global forum for international cooperation in peaceful utilization of nuclear energy, in setting nuclear safety standards and supervising compliance with them, and in applying nuclear non-proliferation safeguards. The Czech Republic, a member of the IAEA Board of Governors in the period 2002-2004, has actively promoted the reinforcement of the IAEA role in the field of nuclear non-proliferation; i.e., strengthening of the Safeguards Agreements system. A proof of the high standards maintained in the Czech Republic's safeguards and control system is, inter alia, the fact that IAEA safeguards inspectors are regularly trained at Czech nuclear facilities. Within the framework of close cooperation with IAEA, the Czech Republic is an active participant in the IAEA Safeguards Support Programme. The Czech Republic is also a donor to the IAEA Nuclear Security Fund, convinced that nuclear safety and security is a problem deserving special support and a many-sided approach with regard to the potential devastating impacts

and global nature of nuclear terrorism. The Czech Republic continues to support the Convention on the Physical Protection of Nuclear Material as a tool of effective prevention of nuclear terrorism.

The Czech Republic has taken an active part in the work of the Organization for the Prohibition of Chemical Weapons (OPCW) since its inception. A member of the Executive Council in the periods 2003-2005 and 2013-2014 and Chair of the Council for the period 2003-2004, it has promoted universality of the Chemical Weapons Convention and more efficient control of the destruction of chemical weapons. Working beyond what is required for compliance with the Chemical Weapons Convention, the Czech Republic has taken part in various OPCW bodies and expert groups, organized training courses on protection against chemical weapons and regional meetings of authorities responsible for the implementation of the Chemical Weapons Convention. The Czech Republic has also joined the group of donor countries actively contributing to the destruction of chemical weapons. Since the creation of OPCW, the Czech Republic has been helping to increase the capacities of the OPCW Technical Secretariat and member States in the field of assistance and protection against chemical weapons and in developing regional cooperation between national authorities responsible for the implementation of the Chemical Weapons Convention.

The Czech Republic supports cooperation within the framework of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction at all levels. It attaches great importance especially to multilateral cooperation in the development of control and verification mechanisms within the Convention framework. The Czech Republic is one of the few countries that already has a mechanism for controlling compliance with the Convention incorporated into its national legislation. The Czech Republic actively contributes to all Convention forums with the aim of activating the whole Convention process.

(d) *To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.*

The general public in the Czech Republic is informed about WMD non-proliferation efforts and the fight against terrorism through the media and through public information activities of the competent ministries, specialized agencies and non-governmental organizations. The Ministry of Industry and Trade provides information about the export control system, its principles and procedures, both in general terms and when dealing with individual applicants. Basic information, including the operative legislation, lists, forms, explanations and instructions, is available on its regularly updated website (www.mpo.cz). To assist Czech companies, the Ministry of Industry and Trade has developed a model export internal audit programme. This audit package, including an introductory training course, was offered to Czech companies free of charge in 2004. A conference for company managers on topical questions of export control and on the export internal audit programme was held in May 2004 and training courses for the executive staff are planned for the second half of 2004.

G) Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

The Czech Republic continues to promote dialogue and cooperation at non-proliferation and disarmament multilateral forums so as to address the threat posed by the proliferation of nuclear, chemical or biological weapons, and their means of delivery.

H) Operative paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

In 2004 the Czech Republic joined the Proliferation Security Initiative (PSI) and the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction. The Czech Republic also fully supports the Global Threat Reduction Initiative (GTRI). Within the framework of this initiative, the Czech Republic, in consultation with the International Atomic Energy Agency, is considering the possibilities for repatriation of the nuclear fuel currently held by the Czech Nuclear Research Institute.

Enclosure

Approved 1540 Committee Matrix of Czech Republic

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations, but for facilitating the implementation of Security Council resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

Operative paragraph 1 and related matters from operative paragraphs 5, 6, 8 (a), (b), (c) and 10

State: **Czech Republic**

Date 6 May 2014

	Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues.	*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
1	Nuclear Non-Proliferation Treaty (NPT)	X	*Deposit 22 July 1969*	
2	Nuclear Weapons Free Zone/Protocol(s)			
3	Convention for the Suppression of Acts of Nuclear Terrorism	X	*Ratification 25 July 2006*	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	*In force 8 February 1987*	
5	2005 Amendment to the CPPNM	X	*Accepted 30 December 2010*	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	*Deposit 11 September 1997*	
7	Chemical Weapons Convention (CWC)	X	*Deposit 6 March 1996*	

	Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues.	*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
8	Biological Weapons Convention (BWC)	X	*Ratified on 30 April 1975*	
9	Geneva Protocol of 1925	X	*Deposit 17 September 1993*	
10	Other Conventions/Treaties	X	*EUROATOM Treaty*	
11	International Atomic Energy Agency (IAEA)	X		
12	Hague Code of Conduct (HCOC)	X		
13	Other Arrangements	X	1. *Nuclear Suppliers Group (NSG)* 2. *Australia Group (AG)* 3. *Missile Technology Control Regime (MTCR)* 4. *Zangger Commitee (ZC)* 5. *Wassenaar Arrangement (WA)* 6. *Proliferation Security Initiative (PSI)* 7. *Global Threat Reduction Initiative* 8. *Global Partnership Against the Spread of Weapons and Materials of Mass Destruction*	
14	General statement on non-possession of WMD			
15	General statement on commitment to disarmament and non-proliferation	X	*European Union Strategy against Proliferation of WMD*	
16	General statement on non-provision of WMD and related materials to non-State actors	X	*Does not provide any form of support to non-State actors*	
17	Other[1]	X	*WMD provisions in European Union-Third countries Agreements*	

[1] Including, as appropriate, information with regard to membership in relevant international, regional or subregional organizations.

Operative paragraph 2 — Nuclear weapons (NW), chemical weapons (CW) and biological weapons (BW)

State: **Czech Republic**

Date 6 May 2014

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*				*Enforcement: civil/criminal penalties and others*				*Remarks*
		YES			*If YES, indicate source document of national implementation law*	*YES*			*If YES, indicate source document*	
		NW	*CW*	*BW*		*NW*	*CW*	*BW*		
1	Manufacture/produce	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended, Section 4CW: Act No. 19/1997 certain measures concerning of CW* *BW: Act No. 281/2002 certain measures related to the ban of BW* *(This order to be followed for fields below)*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280 and 281* *NW: Act No. 18/1997 (Atomic Act)* *CW: Act No. 19/1997 could be used in violating the CW ban* *BW: Act No. 281/2002 section 21: Fines* *(This order to be followed for fields below)*	
2	Acquire	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended Section 4* *CW: Act No. 19/1997 certain measures concerning the prohibition of CW* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280 and 281: Stockpile otherwise handle* *BW: Act No. 281/2002 certain measures related to the ban of BW*	*Comment: "to stockpile means to gradually acquire such weapons etc. and to store them"; "to otherwise handle somehow to transfer ownership, to acquire somehow, to modify, even to consume by trial use*

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*				*Enforcement: civil/criminal penalties and others*				
		YES				*YES*				
		NW	*CW*	*BW*	*If YES, indicate source document of national implementation law*	*NW*	*CW*	*BW*	*If YES, indicate source document*	*Remarks*
3	Possess	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended* *CW: Act No. 19/1997 certain measures concerning of CW* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280 and 281: Stockpile otherwise handle*	
4	Stockpile/store	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended* *CW: Act No. 19/1997* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280: Stockpile otherwise handle and 281* *BW: Act No. 281/2002 section 21: Fines*	
5	Develop	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended* *CW: Act No. 19/1997* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280 and 281* *CW: Act No. 19/1997* *BW: Act No. 281/2002, Section 21: Fines*	
6	Transport	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended* *CW: Act No. 19/1997* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280: Stockpile otherwise handle and 281: import, export, transfer, procure for another* *CW: Act No. 19/1997*	*Comment: Section 280: "to import means also the import into Czech Republic for the purpose of transport to another country"*
7	Transfer	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended, Section 5* *CW: Act No. 19/1997* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280: Stockpile otherwise handle and 281: import, export, transfer* *CW: Act No. 19/1997 could be used in violating the CW ban*	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES				YES				
		N W	C W	B W	If YES, indicate source document of national implementation law	N W	C W	B W	If YES, indicate source document	
8	Use	X	X	X	*NW: Act No. 18/1997 (Atomic Act) as amended, Section 5* *CW: Act No. 19/1997* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*For all: Criminal Act No. 40/2009, sections 280: Stockpile otherwise handle and 281: import, export, transfer* *CW: Act No. 19/1997 could be used in violating the CW ban* *BW: Act No. 281/2002 certain measures related to the ban of BW, Section 21: Fines*	*Other provisions of Criminal Act — depends on nature of the conduct and/or consequences thereof, e.g. basic form of usage of forbidden weapon in war is punishable by imprisonment for 2 to 10 years under S. 411 para. 1*
9	Participate as an accomplice in above-mentioned activities	X			*NW: Act No. 18/1997 (Atomic Act) as amended, Section 4*	X	X	X	*Criminal Act No. 40/2009, sections 22 and 23*	*Accomplices are responsible and punishable in the same way as the sole offender*

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES				YES				
		NW	CW	BW	If YES, indicate source document of national implementation law	NW	CW	BW	If YES, indicate source document	
10	Assist in above-mentioned activities	X			*NW: Act No. 18/1997 (Atomic Act) as amended, Section 4*	X	X	X	*Criminal Act No. 40/2009, section 24*	*Section 24 applies to all forms of participation (organization, instigation, assistance) which are punishable if the main perpetrator at least attempted the offence*
11	Finance above-mentioned activities	X			*NW: Act No. 18/1997 (Atomic Act) as amended, Section 4*	X	X	X	Criminal Act No. 40/2009, section 24	*S 24: Comment: "assistance includes e.g. provision of means" for commission of on offence*

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES				YES				
		NW	CW	BW	If YES, indicate source document of national implementation law	NW	CW	BW	If YES, indicate source document	
12	Above-mentioned activities related to means of delivery[2]	X	X	X	*NW: The Czech Republic fulfils all obligations stemming from membership in HCOC, MTCR and W.* *CW: Act No. 19/1997* *BW: Act No. 281/2002 certain measures related to the ban of BW*	X	X	X	*Criminal Act No. 40/2009, sections 280 and 281*	*Means of delivery coved by reference od "weapons, means of combat or explosives, including radioactive materials, prohibited by law or international treaty" which includes relevant provisions of all three treaties*
13	Involvement of non-State actors in above-mentioned activities	X			*NW: Act No. 18/1997 (Atomic Act) as amended*	X	X	X	*Criminal Act No. 40/2009, sections 280 and 281*	*S 280 and 281: There are no requirement that State actors are involved*
14	Other				*All NPT provisions were also implemented in national legislation as a Decree of the Ministry of Foreign Affairs No. 61/1974*	X	X	X	*Criminal Act No. 40/2009, section 280: Stockpile otherwise handle*	

[2] Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

Operative paragraph 3 (a) and (b) — Account for/secure/physically protect nuclear weapons (NW), chemical weapons (CW) and biological weapons (BW), including related materials[3]

State: **Czech Republic**

Date 6 May 2014

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*				*Enforcement, civil/criminal penalties and others*				*Remarks*
		YES				*YES*				
		NW	*CW*	*BW**	*If YES, source document*	*NW*	*CW*	*BW*	*If YES, source document*	
1	Measures to account for production	X	X	X	*NW: Act No. 18/1997, Regulation No. 213/2010* *Commission Regulation (Euratom) No. 302/2005 on the application of Euratom safeguards* *CW: Act No. 19/1997, Regulation No. 208/2008* *BW: Act No. 281/2002, Regulation No. 474/2002* *(This order to be followed for fields below)*	X	X	X	*NW: Atomic Act No. 18/1997, Sections 40 and/or 41: remedial measures and/or sanctions* *National system of nuclear materials accountancy and control* *CW: Act No. 19/1997* *BW: Act No. 281/2002, Section 21* *For all: Criminal Act No. 40/2009, Section 281* *(This order to be followed for fields below)*	
2	Measures to account for use	X	X	X	*NW: Act No. 18/1997, Regulation No. 213/2010* *Commission Regulation (Euratom) No. 302/2005 on the application of Euratom safeguards* *CW: Act No. 19/1997, Regulation No. 208/2008* *BW: Act No. 281/2002, Regulation No. 474/2002*	X	X	X	*NW: Atomic Act No. 18/1997, Sections 40 and/or 41: remedial measures and/or sanctions* *National system of nuclear materials accountancy and control* *CW: Act No. 19/1997* *BW: Act No. 281/2002, Section 21* *For all: Criminal Act No. 40/2009, Section 281*	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES				YES				
		NW	CW	BW*	If YES, source document	NW	CW	BW	If YES, source document	
3	Measures to account for storage	X	X	X	*NW: Act No. 18/1997, Regulation No. 213/2010* *Commission Regulation (Euratom) No. 302/2005 on the application of Euratom safeguards* *CW: Act No. 19/1997, Regulation No. 208/2008* *BW: Act No. 281/2002, Regulation No. 474/2002*	X	X	X	*NW: Atomic Act No. 18/1997, Sections 40 and/or 41: remedial measures and/or sanctions* *National system of nuclear materials accountancy and control* *CW: Act No. 19/1997* *BW: Act No. 281/2002, Section 21* *For all: Criminal Act No. 40/2009, Section 281*	
4	Measures to account for transport	X	X	X	*NW: Act No. 18/1997, Regulation No. 213/2010 on Accounting for and Control of Nuclear Materials, Regulation No. 317/2002 on Transport of Nuclear Materials and Specified Radioactive Substances* *CW: Act No. 19/1997* *BW: Act No. 281/2002*	X	X	X	*For all: Criminal Act No. 40/2009, section 281* *NW: Atomic Act No. 18/1997, Sections 40 and/or 41: remedial measures and/or sanctions* *National system of nuclear materials accountancy and control* *CW: Act No. 19/1997*	*S. 281: Valid licence for "manufacture, import, export, transport, holding or procuring for another" of a radioactive material or highly dangerous substance prevents criminal liability.*
5	Other measures for accounting	X	X		*NW: Act No. 18/1997, Regulation No.* *Commission Regulation (Euratom) No. 302/2005 on the application of Euratom safeguards 213/2010* *CW: Act No. 19/1997*		X		*CW: Act No. 19/1997*	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES				YES				
		NW	CW	BW*	If YES, source document	NW	CW	BW	If YES, source document	
6	Measures to secure production	X	X	X	*NW: Act No. 18/1997, Regulation No. 144/1997 as amended by Regulation No. 500/2005* *CW: Directive No. 98/24/EC* *Act No. 19/1997* *BW: Directive No. 2000/54/EC, Government Regulation No. 361/2007*	X	X	X	*NW: Atomic Act No. 18/1997, sections 40 and/or 41: remedial measures and/or sanctions* *CW: Act No. 19/1997 as amended* *Criminal Act No. 40/2009*	
7	Measures to secure use	X	X	X	*NW: Regulation No. 144/1997 as amended by Regulation No. 500/2005* *CW: Directive No. 98/24/EC* *Act No. 19/1997* *BW: Directive No. 2000/54/EC, Government Regulation No. 361/2007, Act No. 258/2000*	X	X	X	*NW: Atomic Act No. 18/1997, sections 40 and/or 41: remedial measures and/or sanctions* *CW: Act No. 19/1997 as amended* *Criminal Act No. 40/2009* *BW: Criminal Act No. 40/2009, section 152 and 153, Section 306; Act No. 258/2000 on Public Health, Section 92 and 93*	
8	Measures to secure storage	X	X	X	*NW: Regulation No. 144/1997 as amended by Regulation No. 500/2005* *CW: Directive 98/24/EC* *Act No. 19/1997* *BW: Directive No. 2000/54/EC, Government Regulation No. 361/2007*	X	X	X	*NW: Atomic Act No. 18/1997, sections 40 and/or 41: remedial measures and/or sanctions* *CW: Act No. 19/1997 as amended* *Criminal Act No. 40/2009* *BW: Act No. 281/2002* *Criminal Act No. 40/2009, Section 281*	
9	Measures to secure transport	X	X	X	*For all: European Parliament and Council Directive No. 2008/68/EC* *NW: Act No. 18/1997 and Regulation No. 317/2002 on Transport of Nuclear Materials and Specified Radioactive Substances* *CW: Act No. 19/1997*				*NW: Atomic Act No. 18/1997, Sections 40 and/or 41 remedial measures and/or sanctions* *CW and BW: Party to ADR and RID Agreements*	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES			If YES, source document	YES			If YES, source document	
		NW	CW	BW*		NW	CW	BW		
10	Other measures for securing									
11	Regulations for physical protection of facilities/materials/ transports				*NW: Regulation No. 317/2002 European Parliament and Council Directive No. 2008/68/EC*				*NW: Atomic Act No. 18/1997, sections 40 and/or 41: remedial measures and/or sanctions*	
12	Licensing/registration of installations/ facilities/ persons/ entities/use/handling of materials	X	X	X	*NW: Act No. 18/1997 Atomic Act as amended by Act No. 13/2002* *CW: Act No. 19/1997; State Office for Nuclear Safety* *BW: Act No. 281/2002*	X	X	X	*For all: Criminal Act No. 40/2009, Section 281* *NW: Atomic Act No. 18/1997, sections 40 and/or 41: remedial measures and/or sanctions* *CW: Act No. 19/1997* *BW: Act No. 281/2002, section 21: fines*	
13	Reliability check of personnel	X	X		*NW: Act No. 18/1997* *CW: Act No. 19/1997* *Act No. 412/2005 on Protection of Classified Information and Security Eligibility*				*NW: Act No. 18/1997* *Act No. 412/2005 on Protection of Classified Information and Security Eligibility* *For all: Criminal Act No. 40/2009*	
14	Measures to account for/secure/physically protect means of delivery	X			*NW: The Czech Republic fulfils all obligations stemming from membership in HCOC, MTCR and WA*				*For all: Criminal Act No. 40/2009*	

[3] Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

* Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument).

Operative paragraph 3 (a) and (b) — Account for/secure/physically protect nuclear weapons (NW), including related materials (NW specific)

State: **Czech Republic**

Date 6 May 2014

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and related materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, source document*	*YES*	*If YES, source document*	
1	National regulatory authority	X	*State Office for Nuclear Safety (Atomic Act)*			
2	IAEA Safeguards Agreements	X	*Safeguard agreement in force 11 September 1997* *Additional Protocol in force 1 July 2002*	X	*Act No. 18/1997* *Criminal Act No. 40/2009*	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	*Expressed support to IAEA DG*	X	*Act No. 18/1997* *Criminal Act No. 40/2009*	
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources	X	*Act No. 18/1997*	X	*Act No. 18/1997* *Criminal Act No. 40/2009*	
5	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X				
6	Other Agreements related to IAEA					
7	Additional national legislation/regulations related to nuclear materials including CPPNM	X	*Regulation No. 213/2010 on Accounting for and Control of Nuclear Materials and their Detailed Specification* *Regulation No. 144/1997 on Physical Protection of Nuclear Materials and Nuclear Facilities and their Classification*	X	*Act No. 18/1997* *Criminal Act No. 40/2009*	
8	Other	X	*Regulation No. 144/1997 has been amended by Regulation No. 500/2005*			

Operative paragraph 3 (a) and (b) — Account for/secure/physically protect chemical weapons (CW), including related materials (CW specific)

State: **Czech Republic**

Date 6 May 2014

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and related materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, source document*	*YES*	*If YES, source document*	
1	National CWC authority	X	*State Office for Nuclear Safety (Act No. 19/1997 as amended)*			
2	Reporting Schedule I, II and III chemicals to OPCW	X	*Annual declaration to OPCW*			
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/regulations controlling chemical materials	X	*Act No. 38/1994* *Act No. 59/2006* *Act No. 350/2011 (Chemical Act)*			
5	Other					

Operative paragraph 3 (a) and (b) — Account for/secure/physically protect biological weapons (BW), including related materials (BW specific)

State: **Czech Republic**

Date 6 May 2014

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and related materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, source document*	*YES*	*If YES, source document*	*Remarks*
1	Regulations for genetic engineering work	X	*Act No. 78/2004*	X	*Act No. 78/2004, Section 34 and 35*	
2	Other legislation/regulations related to safety and security of biological materials	X	*Directive No. 89/391/EC* *Directive No. 2000/54/EC* *Government Regulation 361/2007*			
3	Other	X	*Act No. 281/2002: national regime for controlling transfers* *Act No. 258/2000 on Public Health* *Act No. 166/1999 on Veterinary Care* *Regulation No. 298/2003* *Regulation No. 528/2004*			

Operative paragraph 3 (c) and (d) and related matters from operative paragraphs 6 and 10 — Controls of nuclear weapons (NW), chemical weapons (CW) and biological weapons (BW), including related materials

State: **Czech Republic**

Date 6 May 2014

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials? Can violators be penalized?		*National legal framework*				*Enforcement: civil/criminal penalties, and measures of implementation, etc.*				*Remarks*
		YES				*YES*				
		NW	*CW*	*BW*	*If YES, source document*	*NW*	*CW*	*BW*	*If YES, source document*	
1	Border control	X	X	X	*For all: Council regulation No. 450/2008 (Modernised Customs Code)* *Commission Regulation No. 2454/1993 (implementing Provisions to the Community Customs Code)* *Act No. 13/1993 (Customs Act) as amended* *Act No. 17/2012 (concerning Customs Administration)* *NW: Act No. 18/1997* *CW: Act No. 186/2004* *BW: Act No. 186/2004* *(This order to be followed for fields below)*	X	X	X	*Customs Administration*	
2	Technical support of border control measures	X	X	X	*NW: Act No. 18/1997* *CW: Act No. 17/2012* *BW: Act No. 17/2012*					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	*For all: Act No. 17/2012* *NW: Act No. 18/1997 (Atomic Act)*					

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials? Can violators be penalized?	National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		YES			If YES, source document	YES			If YES, source document	
		NW	CW	BW		NW	CW	BW		
4	Enforcement agencies/authorities	X			*NW: Act No. 18/1997 (Atomic Act) as amended, Section 39*	X	X	X	*For NW and CW: State Office for Nuclear Safety* *For all: Customs administration*	
5	Export control legislation in place	X	X	X	*For all: Council Regulation No. 388/2012*	X	X	X	*For all: Act No. 594/2004, Sections 17 and 18*	
6	Licensing provisions	X	X	X	*Act No. 594/2004* *Act No. 38/1994* *NW: Act No. 18/1997 (Atomic Act) as amended* *CW: Act No. 19/1997 as amended* *BW: Act No. 281/2002 as amended*	X	X	X	*Criminal Act No. 40/2009 as amended* *NW: Act No. 18/1997 (Atomic Act), Sections 40 and/or 41* *CW: Act No. 19/1997, Section 321 fines* *CW and BW: Act No. 38/1994*	
7	Individual licensing	X	X	X	*NW: Examine each case* *Act No. 594/2004* *Act No. 18/1997 (Atomic Act) as amended* *CW: Act No. 594/2004* *Examine each report* *Act No. 19/1997* *BW: Examine each case*	X	X	X	*For all: Act No. 594/2004, Sections 17 and 18* *Criminal Act No. 40/2009 as amended* *NW: Act No. 18/1997 (Atomic Act as amended, Sections 40 and/or 41*	
8	General licensing		X	X	*CW and BW: CGEA (Community General Export Authorisation) No. 001* *Annex of Council Regulation (EC) No. 388/2012*		X	X	*CW and BW: Act No. 594/2004, Sections 17 and 18* *Criminal Act No. 40/2009 as amended*	
9	Exceptions from licensing	X	X	X	*For all: Within the Community free circulation of all goods, exceptions are listed in Annex of Council Regulation (EC) No. 388/2012*					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		YES			If YES, source document	YES			If YES, source document	
		NW	CW	BW		NW	CW	BW		
10	Licensing of deemed export/visa									
11	National licensing authority	X	X	X	*For all: State Office for Nuclear Safety* *NW: Licensing authority at the Ministry of Industry and Trade* *CW and BW: Ministry of Industry and Trade, Licensing Office*	X	X	X	*For all: Criminal Act No. 40/2009 as amended, Sections 262-267*	
12	Inter-agency review for licences	X	X	X	*For all: Consult with competent authorities*	X	X	X	*For all: EU members should consult with other members before issuing licences — in specific cases*	
13	Control lists	X	X	X	*For all: Council Regulation (EC) No. 388/2012, List in Annex* *NW: Regulation No. 165/2009,166/2009* *CW: Regulation No. 208/2008* *BW: Regulation No. 474/2002*					
14	Updating of lists	X	X	X	*For all: List is subject to updates*					
15	Inclusion of technologies	X	X	X	*For all: Council Regulation (EC) 388/2012 as amended* *Act No. 594/2004* *Czech Customs Code* *NW: Act No. 18/1997 (Atomic Act)*					
16	Inclusion of means of delivery	X	X	X						
17	End-user controls	X	X	X						
18	Catch all clause	X	X	X	*For all: Council Regulation (EC) No. 388/2012 as amended* *Act No. 594/2004* *Czech Customs Code*					
19	Intangible transfers	X	X	X						

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		YES			If YES, source document	YES			If YES, source document	
		NW	CW	BW		NW	CW	BW		
20	Transit control	X	X	X	For all: Czech Customs Code NW: Act No. 18/1997 (Atomic Act)					
21	Trans-shipment control	X	X	X	For all: Czech Customs Code					
22	Re-export control	X	X	X	For all: Council Regulation (EC) 388/2012 as amended Act No. 594/2004 Czech Customs Code NW: Act No. 18/1997 (Atomic Act)					Act No. 594/2004, Criminal Act No. 40/2009 as amended
23	Control of providing funds									
24	Control of providing transport services									
25	Control of importation	X	X	X	NW: Act No. 18/1997 CW: Act No. 19/1997 Act No. 38/1994 BW: Act No. 281/2002	X	X	X	For all: Criminal Act No. 40/2009 as amended, Sections 262-267 NW: Act No. 18/1997 as amended, Sections 40 and/or 41 CW: Act No. 19/1997, Section 32: Fines Act No. 38/1994 BW: Act No. 281/2002, Section 21: Fines	
26	Extraterritorial applicability					X	X	X	Criminal Act No. 40/2009, Sections 4-11	Criminal provisions apply to conduct outside of the Czech territory under certain conditions, such as nationality, aut dedere aut iudicare principle etc...

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		YES				YES				
		NW	CW	BW	If YES, source document	NW	CW	BW	If YES, source document	
27	Other	X	X	X	*For all: Control of technical assistance- Act No. 594/2004, Section 12* *NW: Act No 18/1997* *Regulation No. 179/2002 was replaced by regulations No. 165/2009 and No. 166/2009*	X	X	X	*For all: Act No. 594/2004, Sections 17-18* *Criminal Act No. 40/2009 as amended*	

Operative paragraphs 6, 7 and 8 (d) — Control lists, assistance, information

State: **Czech Republic**

Date 6 May 2014

Can information be provided on the following issues?		*YES*		*Remarks*
1	Control lists — items (goods/equipment/materials/technologies)	X	*Control list in Annex of the Council Regulation (EC) 388/2012 which is subject to updates*	
2	Control lists — other	X	*List of NSG nuclear related dual-use items (Regulation No. 166/2009)* *List of NSG Trigger list items (Regulation No. 165/2009)* *List of highly dangerous biological agents and toxins (Regulation No. 474/2002)* *List of scheduled chemicals (Regulation No. 208/2008)*	
3	Assistance offered	X	*Prepared to provide assistance as appropriate in response to specific requests*	
4	Assistance requested			
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)	X	*Joined the group of donor countries actively contributing to the destruction of chemical weapons*	
7	Work with and inform industry	X	*Basic information including the operative legislation, list forms, explanations and instructions are available on a regularly updated website* *For all: regularly conducted outreach for licence holders*	
8	Work with and inform the public	X	*Basic information including the operative legislation, list forms, explanations and instructions are available on a regularly updated website*	
9	Point of Contact			
10	Other[4]			

[4] Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.